G. R. S. IX-5]

Previous references. 1868-69. File No. 6 of 68

~~191~~ . Serial Nos. 1-6

(819)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-6

Major ~~Part B~~ for March 69

SUBJECT.

Re, Jail Management in Mysore.

Sanctioned KR

KR

W D 58—GPB—50,000—24-7-16

From 186

To

Dated 19 January 69

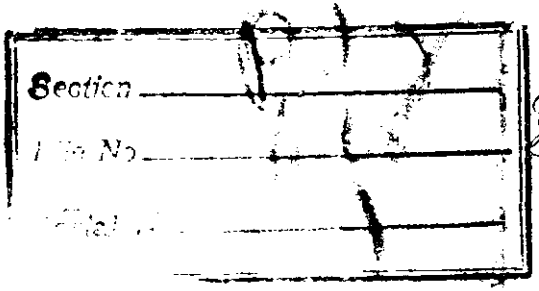
Despatched

Received 1 February

Reg

Enclosures No.

General No. 19 1868-69



No. 19

Extract from the Proceedings of the Government of India, in the Home Department, under date the 16 January 1869.

READ the Jail Administration Reports for 1867 of the several Local Governments and Administrations.

Read a Note on Jails and Jail Discipline in India by the Under Secretary to the Government of India.

RESOLUTION.

THE attention of the Governor General in Council has been directed to the subject of labor in Jails and the rewards and punishments of prisoners. It appears from the reports that in the Bengal Presidency, and especially in Lower Bengal and the Central Provinces, the tendency to make prison labor remunerative is pushed to such an extent as to make it very doubtful whether the primary object of the sentence—punishment—is steadily and systematically kept before the prisoner. The Governor General in Council requests that Local Governments and Administrations will endeavour to introduce into the Jails under their respective jurisdictions, those particular forms of labor which, while they add most to the severity of the sentence, do as a matter of fact contribute most to meet the cost of each prisoner's maintenance. It should be remembered that, when a prisoner is sentenced judicially to hard labor, it is nothing short of an illegality to employ him in any work that does not answer to this description.

2. Again in the matter of rewards and punishments there is much diversity of rule and practice in respect to the remission of portions of sentences as a reward for good conduct or industry. Thus while in British Burmah a prisoner can, under certain circumstances, earn a remission of four months in each year, in Madras the average maximum is one-sixth, and in the Central Provinces one-twelfth of the period of sentence; while in Bombay remission is never granted as a reward. In the North-Western Provinces and the Punjab, though remissions are granted, the conditions under which they are attainable are not clearly defined. In Bengal there is a system of intermediate imprisonment granted for good conduct, but no remissions can as a rule be earned, but are allowed under certain exceptional circumstances. Diversity of practice also prevails in regard to the classes eligible for remissions,—prisoners convicted of certain crimes being in some provinces excluded from the privilege of earning a diminution of their sentences, while elsewhere there is no such limitation.

3. The Indian Jail Committee of 1836 was opposed to the grant of remission to any but life-convicts, except in cases of special service rendered to the State, and the Committee of 1864 recommended that remission of any portion of a judicial sentence should not be allowed to depend on the prisoner's good conduct, but should be restricted to cases of epidemics or signal acts of service.

4. On the other hand the efficacy of remission as a means of reformation has been recognised in the English system of Jail discipline, and is supported by the majority of authorities on the subject in India. The Governor General in Council is, therefore, not prepared to forbid altogether a system under which a moderate remission may be earned. But His Excellency in Council thinks it essential that the conditions should be distinctly laid down, more especially in view to the Judicial Officer in passing sentence being able to understand the exact circumstances under which a remission

of such sentence can be earned. It is also considered by the Government of India very desirable that, as far as possible, the practice should be uniform throughout India.

5. The Governor General in Council is disposed to think that in no case should the remission exceed one-twelfth of the entire sentence, and that prisoners sentenced to the crimes noted in the margin* should not be eligible for any remission. Local Governments and Administrations are accordingly requested to reconsider the rules in force in respect to remissions of sentence, and to state their views to the Government of India.

* Murder.
Thuggee.
Dacoity.
Highway robbery.
Rape.

6. In connection with this subject it will be necessary to define the manner in which any system of remission that may be ultimately sanctioned should be carried out. In some provinces the mark system is already in force, and is said to work well. The Governor General in Council is of opinion that the extension of this system on some uniform plan would be very desirable. His Excellency in Council thinks that a simple method of daily marks for industry might be adopted. Thus, if a prisoner performed his task in a satisfactory way, he would obtain one good mark; if indifferently, no mark at all; and if he was positively idle, a bad or minus mark. The Officer in charge of the Jail would, however, have power to award bad marks for misconduct. The number of marks necessary to qualify for remission of a portion of sentence should be so fixed in proportion to the term as to ensure that prisoners attaining that number had been habitually industrious and well-behaved during their detention in Jail; and every precaution should be taken to prevent the system being made an engine of injustice by the caprice or favouritism of the subordinate Jail officials.

7. Another point which has attracted the notice of the Governor General in Council is the extraordinary variation in the charges for the maintenance of each prisoner in the several provinces. The Table below summarizes these charges:—

	1	2	3	4	5	6
	Establishment.	Diet.	Clothing.	Medicines and Hospital charges.	Contingencies.	Total.
	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.
Bengal...	22 0 0	32 6 8	4 11 7	0 12 8	3 2 8	63 1 7
Bombay	43 0 1	41 14 1	5 12 8	2 4 9	7 1 3	100 0 10
Madras 1866-67	27 4 0	50 9 9	4 3 2	0 6 11	6 12 6	89 4 4
North-Western Provinces ...	19 0 6	17 5 5	2 14 2	0 8 2	3 14 7	43 10 10
Punjab...	21 3 10	22 8 9	3 13 6	1 4 1	2 3 7	51 1 9
Oude	19 7 2	13 7 0	1 14 6	0 10 0	2 10 0	38 0 8
Central Provinces	26 11 8	23 14 1	5 8 2	3 15 0	3 5 4	63 6 3
British Burmah	34 15 0	30 4 2	2 12 7	0 1 5	3 9 11	71 11 1
Mysore...	29 11 7	42 1 5	4 10 1	0 15 4	7 2 10	84 9 3

8. After making all allowance for differences of local circumstance, it is difficult to perceive why, if a prisoner can be dieted for Rupees 13-7 in Oude, or Rupees 17-5-5 in the North-Western Provinces, his food should cost Rupees 50-9-9 in Madras; why his clothing in the Central Provinces should cost so much more than in Oude, the North-Western Provinces or the Punjab; why the charge for medi-

3

cines and hospital necessaries should, in the Central Provinces, be more than seven times the charge on the same account in the North-Western Provinces; or why in Bombay, Madras, and Mysore, the charge for contingencies should be so exceptionally high.

9. The Governor General in Council commends this subject to the serious consideration of Local Governments and Administrations, and suggests that, when the charges on any one account contrast in any marked degree unfavorably with those of another province, enquiry should be made as to whether the difference is fully accounted for by circumstances over which Government has no control, or whether it may not be lessened by a more rigid economy.

ORDER.—Ordered, that a copy of the above Resolution be sent to all Local Governments and Administrations for information and guidance.

(True Extract.)

E. C. Bayley

Secy. to the Govt. of India.

To the Commissioner of a Division &c &c

Book 3 Folios

No. 143

1869.

From The Offg. Judl. Commr of Mysore

To The Secretary to the Govt. of Mysore

Dated 9th February 1869

Despatched 10th —

Received 11th —

Reg. 12th —

Enclosures No.

General No. 2047 1868-69.

No. 262

Submits his observations on questions of Jail Management as called for in docket No. 6664/1034 of the 1st Instant.

Answer 11/2/69

Request the Judl. Comr to submit a Statement from the Scale of Diet now in use in the several Jails of the Province.

B 12/2/69

Offg

1087 Dy 13/2/69.

No. 2047
2267

Mysore Judicial Commissioner's Office

Dated Bangalore 9th February 1869.

From

J. R. Tinderley Esquire

Offg. Judicial Commissioner

of Mysore

To

The Secretary to the

Commissioner of Mysore

PWY 6-68

Sir,

I have the honor to acknowledge the receipt of your docket of the 1st instant, inclosing the Resolution of Government of the 19th January on questions of jail management.

2. I have the honor to inform you that, while no rule has been laid down for limiting the proportion of a criminal sentence which may be remitted, I have confined myself to cases of exceptioned good conduct, strongly recommended by the officer in charge of the jail, in which I have recommended that a few months should be remitted from long sentences; and to cases of extreme sickness, when the medical officer has certified that life could be preserved only by release from confinement; and in such cases I have always insisted that two thirds of the sentence should have been worked out.

3. During the past year my attention has been directed

by

by the Commissioner to the high cost of prisoners' diet in Mysore; and I have been engaged in correspondence on the subject with the Superintendents and Deputy Superintendents. Arrangements have been made at several stations for purchasing grain at the cheaper season, and storing it for consumption But I regret to state that, after consulting with officers of experience and ability, I have come to the conclusion that prisoners in this part of India, who are made to do a fair day's work, require a diet very nearly as generous as that of the Central Jail. Any considerable reduction of that scale results in that peculiar form of consumption, which was formerly well known in the Madras jails, and in Mysore, and which is now comparatively rare.

4. That other races of men, in other parts of India can be fed much cheaper on other kinds of grain, I do not afford a prima facie ground for charging this administration with extravagance: and no scale of diet can be pronounced worthy of imitation until the rate of mortality among those who use it is known. It will be found that the cost of prisoners in Mysore is less than in the Presidencies of Madras and Bombay, which, being the nearest to us, afford the fairest comparison.

5. I believe that in Mysore returns medical necessaries are often classed as contingencies, which goes far to account for the figures under those heads.

6

I have the honor to be

Sir,

Your Most Obedt Servant

J. W. Finlayson

Offg Judicial Commissioner

GFH

J-69.

From Jail 1868/9. No. 5778

To The Offg Secy Govt

Dated 13 February 1869

Despatched 15 —

Received 17 — Do.

Enclosures No.

General No. 5778 } 1868-69.
Jail No. 182 }

Your letter No. 209 of the 9th instant submitting observations on questions of Jail Management

Requests that tabular a statement may be submitted, showing the scale of diet now in use in the general Jails in the Province.

By Order

B 13/2/69

Offg Secy

No 87 D 13/2/69.

3665

File

Judl.

From ~~Secy to the Govt of India~~

1869. N 33

To The Secy to the Govt of India
Home Department
Calcutta.

Dated 12th March

Despatched 16th

Received

Enclosures No. 3

General No. 6219 } 1868/69.
Judl No. 33 }

Referring to No. 79 of 19th January last, submits observations on the subject of Jail Management in Mysore.

General No 619
Judicial No 33
1865/69

Serial No 6268

No. 6. C. C.
Dublin Castle, 12th March 1869.

The Secretary to the Govt. of India
Home Dept.

Referring to para 5 of the Resolution of the Govt of India No. 297 of the 19th January 1869, on the subject of Jail Discipline & Punishment, I have the honor to submit for the information of His Excellency the V.R. & G. of Lucknow in Council copy of a letter No. 204/267 of the 9th Feb. from the Offg. Jud. Commr. in Burma, and to state that I concur in the opinion expressed by Mr. Bird that the remission of portions of sentences should only be made, as a rule, in the case of exceptional conduct, or by reason of grave sickness. I do not think that it is necessary to prescribe that it should not exceed 1/2 of the term of the sentence, but perhaps the restriction of 2/3 of that term will be sufficient force in time.

2. It will be seen from the Offg. Jud. Commr's letter that attention has been already directed to the

Legislative

high charge for diet. The
opening scale under the
former diet the accompany-
ing tabular statement.
There were several complaints
from asylums and Almoys
that the former diet was
in scale 2, herewith forwarded
were insufficient, and
I have satisfied myself
by personal inspection that
this statement was correct
and that men over in
hospital had great difficulty
in procuring them brought.
Under the old system Pte.
a convict received a little
money, and bought a few
extras according to their
pleasure. I have no doubt
that the present, though
open to objection on grounds
of discipline, tended to
their health and health.

I have &c

Hamilton 21/3/45

Colonial Secretary

Copied in Ain!

Forwd to Sec. by order of Jud. Comr's letter 2047/267 of 9 Feby, and drew that I concur with him that the remission of portion of sentences should not be made as a rule in the case of excellent and prudent prisoners. I do not think it is necessary to provide that it should not exceed 1/2 the term of the sentence but perhaps the exaction of 1/2 of that term will be a sufficient guarantee.

It will be seen from the Jud. Comr's letter that a better diet than the high charge for diet has already been ordered. The existing scale will be found in the accompanying tables. The number of cases of sickness per mensem & the mortality [illegible] the Jail Surgeon's returns which I have verified myself by personal inspection that this statement can scarcely be said to be a hospital [illegible] and difficulty in procuring their strength. Under the circumstances mentioned a little money, thought & care will work wonders. I have no doubt that this practice, though open to objection in point of discipline, tended to keep them in health.

B 11/3/69

1870
8.69

1869 No. 170

From The Offg. Judl. Commissioner in Mysore

To The Secretary to the Commissioner of Mysore

Dated 30 March 1869.

Despatched

Received 2 April 1869

Enclosures No. 2

General No. 1240 / No. 300 } 1868-69.

Your Docket No. 5778 182

dated 15th February 1869.

In reply forwards Jail Statements showing the scales of diet in use in the several Jails in the Province.

Enclosures to Chief Secy's letter dated 12 May 1869

H. Sandberg

Offg. Judl. Commissioner

Chief Comm 1/3